

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of*: Lee et al.

Serial No.: 10/718,191

Group No.: 2813

Filed: November 20, 2003

Examiner: Pham, Thanhha S.

For*: Novel Encapsulation Method for SGBA

☐ Patent No.:

Issued:

NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment also insert application serial number and filing date.

Mail Stop 16**Director of the US Patent and
Trademarks Office****P.O. Box 1450****Alexandria, VA 22313-1450****ATTENTION: Refund Section, Accounting Division, Office of Finance****REQUEST FOR REFUND****(37 C.F.R. 1.28(a))**

NOTE: 37 C.F.R. § 1028(a) "(a) Refunds based on later establishment of small entity status. A refund pursuant to §1.26, based on establishment on small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under §1.136. Status as small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. §1.704(c)(1). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

I. SUBMISSION OF SMALL ENTITY ASSERTION☐

Attached is an assertion of small entity status in this application.

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An assertion of small entity status was filed in this application on

II. REFUND REQUEST

This request for refund is made within three months of the date a fee was paid in this application on (date) March 10, 2006 in the amount of \$ 450.00.

In connection with the response filed on March 10, 2006, the undersigned submitted a petition and fee for a two-month extension of time. This petition was submitted because the summary page of the FINAL Office Action (mailed in December 2005) indicated a shortened statutory period of one month to reply to the rejection. This caused this date to be docketed by the docketing department of the undersigned's offices, which led to the preparation and filing of the extension request. However, it has since come to the undersigned's attention that the Examiner, in fact, set a typical three-month time period for response (see page 6 of the Office Action). Had the Office Action not noted an improper response period on the summary page of the Office Action, then the undersigned would not have prepared or submitted the extension request.

Thus, as the submission of the extension request and associated fee resulted from an error in the Office Action, the undersigned is entitled to a refund of the \$450 fee.

NOTE: The two-month period (§ 1.28(a)) is not included in the provisions for extension under 37 C.F.R. 1.136 since it is not a period for response. Notice of November 30, 1983, 49 FR 548, January 4, 1984.

III. FEES PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> filing fee	\$
<input type="checkbox"/> surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e)) and/or	\$
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e))	\$
<input type="checkbox"/> extension of term	\$
<input type="checkbox"/> issue fee	\$
<input type="checkbox"/> patent maintenance fee	
<input type="checkbox"/> first maintenance fee	\$
<input type="checkbox"/> second maintenance fee	\$
<input type="checkbox"/> third maintenance fee	\$
<input type="checkbox"/> patent maintenance fee surcharge.	

NOTE: The refund provisions of § 1.28(a) for later submitted small entity statements apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37

☒ other: 2-Month Extension of Time \$ 450.00

TOTAL REFUND REQUESTED \$ 450.00

IV. MANNER OF REFUND

Please make refund by:

- ☒ Deposit Account No. **20-0778**.
- ☐ Credit card as shown on the attached credit card information authorization form PTO-2038.
- ☐ Refunding overpayment



Daniel R. McClure; Reg. No. 38,962

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